



# City of Chicopee, Massachusetts

## License Commission

Donald Goulette  
Robert Borowiec  
James Grise  
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Minutes for February 17, 2011

In attendance: Commissioners Goulette, Borowiec and Grise. Also Atty. Rooke was present.

Minutes for January are presented to the Board. Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 3-0.

Hearing for Hunter's Pub for violations of:

Count 1- M.G.L. Chapter 138 § Section 12. - hours of sale

Count 2- M.G.L. Chapter 138 § Section 69. - Sale or delivery to intoxicated person(s)

Count 3- Regulations of the ABCC 204 CMR 204-2.05: Licensed Premises (2) No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to the place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not.

Count 4- Chicopee Rules and Regulations-1. 1.04 Hours of Operation -a. The hours of operation shall be restricted to those set by the Chicopee License Commission and stated on the face of the license. No patrons shall be on the premises before the official opening hours. All beverages must be served by 1:30 AM. All beverages must be cleared from serving and bar areas by 1:45 AM. All patrons must exit the premises by 2:00 AM. This section does not apply to holders of an Innkeeper's license. Customers must be up and on the way out once the closing hour of the licensed premises has been reached. No drink consumption time. b. The rules for employees on premises after closing hours are as follows: employees must be off the premises no later than sixty (60) minutes after the "Official Closing Hour," provided however, that such employees or other hired personnel may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for the premises, or preparing food for the next day's business or opening or closing the business in an orderly manner.

Count 5- Chicopee Rules and Regulations-1.08 Environs of Licensed Premises a. It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times.

Count 6- Chicopee Rules and Regulations-1.10 Standards of Conduct on the Premises d. No manager or employee shall consume any alcoholic beverages while on the licensed premises while on duty or after the official closing hour.

In attendance: Christopher Prost, Ryan Croteau and Officer Hamilton Wray. Officer Wray reads his report for the Commission. Mr. Prost disputes the facts stated in the police report. He informs the Board that it was a very busy night and he was in the bar after closing time with 1 employee and 2 patrons who were waiting for a ride home from that employee. The report state that Mr. Prost smelled of alcohol was unsteady on his feet and was slurring his words and was placed in protective custody. He states that yes he did smell of alcohol because he was working the bar because it was so busy that night. He stated to the officers that he could be in there after hours because he was cleaning and tried to show the officers the Rules and Regulations book form the License Commission. According to Mr. Prost, Officer Galindo was verbally baiting him. Mr. Croteau states he was mopping the floor when the Officers arrived on scene. They asked to see the liquor licenses and Mr. Prost stated they were on the wall. Mr. Croteau continued to work. He also states that the other 2 patrons in the bar were waiting for

him and he did give them a ride home. Atty. Rooke asks Mr. Prost if these other 2 patrons are on the payroll and Mr. Prost says no they are not. Officer Wray informs the Board that in his 12 years as a police officer he has never had to place an owner of an establishment in protective custody. He has always worked to take care of the small problems so they don't become large problems. Mr. Prost does admit that the 2 patrons should not have been in the bar at that time but felt it was safer for them to wait for Mr. Croteau there. He has owned the bar for 4 years and has not had any problems. The normal procedure for the bar is that Mr. Croteau cleans up after his shift and leaves. But there was a band that night and it was very busy so he was there to help. Commissioner Goulette states that Chicopee has the best police department in the state. Officer Wray was doing his job and is there to not only protect the citizens of Chicopee but also Mr. Prost as a business owner. Mr. Prost states he did not have any problem with Officer Wray but it was Officer Galindo who he had the issues with. Commissioner Goulette suggests that the licenses be moved down to eye level so any official who enters the establishment can readily see them. Commissioner Grise state that after reviewing the report he is very concerned about the beers that were on the bar after closing time. Commssioner Borowiec states that it is illegal to drink after hours and when you are cleaning. And that the police are there for your protection also. They don't know what's happening when they get a call. Commissioner Borowiec makes a motion that there was sufficient evidence of violations of count 1, 4 and 6 and that there be a 1 day suspension to be held in abeyance for 6 months provided there are no further violations. Commissioner Grise seconds. Motion approved 3-0.

Application for a Transfer of an All Alcohol Restaurant License for Joanna Cobleigh, 733 Chicopee St to 733 Chicopee Street, Inc, D/b/a Monty's Roadhouse, 733 Chicopee St with Timothy J. Driscoll as manager . In attendance: Tim Driscoll, Joanna Cobleigh and Atty. Larocque. Mr. Driscoll informs the Board that he is aware of the past history of the establishment and will be mindful of his neighbors. Commissioners inform the Board that they will also need a Common Victualer, Automatic Amusement, Weekday and Sunday Entertainment license as well if he is approved. Mr. Driscoll has had some prior experience in the liquor industry. It will be a sports bar atmosphere and will serve bar food. Mr. Driscoll is aware of the TIPs policy and will have all employees trained. Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 3-0.

Application for a Change of Manager for Applebee's, 597 Memorial Dr with Armand DiVenuto as proposed new manager. In attendance: Armand DiVenuto. Mr. DiVenuto informs the Board that he has had prior experience in handling alcohol. He has worked in the food industry for several years. Applebee's has an in house program for alcohol training. Commissioner Grise makes a motion to approve. Commissioner Borowiec seconds. Motion approved 3-0.

Application for a Common Victualer for Iona's Delectable Delight Catering, 257 Hampden St with Kelly Dobbins, SR as manager (new) Commissioner Grise makes a motion to approve. Commissioner Borowiec seconds. Motion approved 3-0.

Application for a Weekday Entertainment for Iona's Delectable Delight Catering, 257 Hampden St with Kelly Dobbins's as manager (new) Commissioner Grise makes a motion to approve. Commissioner Borowiec seconds. Motion approved 3-0.

Application for a Sunday Entertainment for Iona's Delectable Delight Catering, 257 Hampden St with Kelly Dobbins, SR as manager (new) Commissioner Grise makes a motion to approve. Commissioner Borowiec seconds. Motion approved 3-0.

### **2011 Innholders Renewal**

Motel 6, 36 Johnny Cake Hollow Rd with Shireen Van Hoy as manager. Commissioner Grise makes a motion to approve. Commissioner Borowiec seconds. Motion approved 3-0.

### **Late Files**

Application for a Special One Day Permit (Wine/Malt) for St. Stanislaus , 534 Front St for a Mardi Gras Fundraiser for Parish Youth Activities on March 5, 2011 from 6:00 PM until 10:00 PM with Fr.

Pedro de Oliveira as applicant. (There will be a live band for entertainment) Commissioner Grise makes a motion to approve and waive the fee. Commissioner Borowiec seconds. Motion approved 3-0.

Application for a Common Victualer for Paparello's Pizzeria, 140 ½ Exchange St with Shane Riddles as manager (new) Commissioner Grise makes a motion to approve. Commissioner Borowiec seconds. Motion approved 3-0.

Filing fees are read into the record by Commissioner Grise.

Valentino's police report is reviewed by Commissioners. They would like to hold a hearing in April to address specific concerns.

Pastime Cafe police report is reviewed by the Commissioners. At this time they feel there is not sufficient evidence for a hearing.

TIPs Trainers that want to be added to list

William Courchesne

TIPs Course to be approved

liquortraining.com (see attached print out)

Atty. Rooke advises that more information is needed. The trainers and courses should be approved by the US Liability Insurance Group

The next meeting will be held on **Thursday March 17, 2011**